

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Abigal Brass

Plaintiff

v.

NCO Financial Systems, Inc.,

Defendant

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Case No.: 2:11-cv-01611-CDJ

PLAINTIFF’S PETITION FOR ATTORNEY’S FEES

The Plaintiff, Abigal Brass, by her attorney, petitions this Court pursuant to Fed. R. Civ. P.54(d) and 15 U.S.C. §§ 1681n and 1681o for her reasonable attorney’s incurred in this case. In support of this petition, Plaintiff states as follows:

1. On May 2, 2011, Plaintiff, Abigal Brass, filed a Notice of Acceptance with Offer of Judgment. See Exhibit “A”.

2. Defendant’s offer provides, in relevant part, that Defendant agrees to entry of judgment against them as follows:

Judgment shall be entered against NCO for damages in the total amount of One Thousand and No/100 Dollars (\$1,000) for damages incurred by Plaintiff as a result of NCO’s alleged violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692, *et seq.*

In addition, the Judgment entered shall include an amount for Plaintiff’s reasonable costs and attorney’s fees accrued through the date of this Offer of Judgment either: 1) as agreed to by counsel for the parties; or 2) in the event counsel cannot agree, as determined by the Court upon application by Plaintiff’s counsel;

See Exhibit “A”.

3. Thereafter, an Order was entered by the Clerk of the Court, Michael E. Kunz, on May 3, 2011 indicating Judgment was entered in favor of Plaintiff and against

Defendant in the amount of "\$1,000, including reasonable attorney's fees and costs." See Docket Entry Number 5.

4. Despite the best efforts of the parties, there has been no resolution as to the amount of attorney's fees Plaintiff's counsel shall be paid.

5. Plaintiff is entitled to reasonable attorney's fees pursuant to the wording of the Rule 68 Offer of Judgment and under 15 U.S.C. § 1692k(a)(3).

6. Plaintiff submits in support of her petition the Declarations of Craig Thor Kimmel, Amy L. Bennecoff, and Sarah Young, her attorneys (Exhibits "C"), her attorney's itemized time records for this case (Exhibit "B"), the Declarations of Aaron Radbil and Nicholas Bontrager (Exhibit "D"). This petition is also accompanied by Plaintiff's Memorandum in Support of her Petition for Attorney's Fees.

7. Should Plaintiff incur additional attorney's fees in pursuing this petition, Plaintiff will supplement her attorney's itemized time records accordingly.

WHEREFORE, Plaintiff respectfully requests this Court to:

A. Award Plaintiff her reasonable attorney's fees incurred in this case, in the amount of \$5,096.50.

B. Enter judgment accordingly; and

C. Grant such other relief as may be just and proper.

Respectfully submitted,
Kimmel & Silverman, LLC
s/ Craig Thor Kimmel
Craig Thor Kimmel

Dated: May 16, 2011